THE

AMERICAN JOURNAL

OF

INTERNATIONAL LAW

VOLUME 43

1949

PUBLISHED BY

THE AMERICAN SOCIETY OF INTERNATIONAL LAW

PUBLICATION OFFICE:
LANCASTER PRESS, INC.
LANCASTER, PA.

EXECUTIVE AND EDITORIAL OFFICE:
700 JACKSON PLACE, N.W.
WASHINGTON 6, D. C.

Copyright, 1949, by the American Society of International Law

Bird RR4
JX
1
.A65

BOARD OF EDITORS

Honorary Editor-in-Chief

GEORGE GRAFTON WILSON, Harvard University

Editor-in-Chief

GEORGE A. FINCH, 700 Jackson Place, Washington, D. C.

WILLIAM W. BISHOP, JR.
University of Michigan Law School

EDWIN BORCHARD *
Yale Law School

HERBERT W. BRIGGS
Cornell University

PHILIP MARSHALL BROWN *
Washington, D. C.

WILLIAM C. DENNIS *
Richmond, Ind.

CLYDE EAGLETON
New York University

CHARLES G. FENWICK
Washington, D. C.

MALBONE W. GRAHAM
University of California, Los Angeles

MANLEY O. HUDSON
Harvard University

CHARLES CHENEY HYDE *
Columbia University Law School

PHILIP C. JESSUP
Columbia University Law School

ARTHUR K. KUHN *
New York, N. Y.

JOSEF L. KUNZ
Toledo University

JOHN E. LOCKWOOD
New York, N. Y.

MYRES S. MCDOUGAL
Yale Law School

PITMAN B. POTTER
American University

LAWRENCE PREUSS
University of Michigan

ELLERY C. STOWELL *
San Francisco, Calif.

EDGAR TURLINGTON
Washington, D. C.

JOHN B. WHITTON
Princeton University

ROBERT R. WILSON
Duke University

LESTER H. WOOLSEY *
Washington, D. C.

QUINCY WRIGHT
University of Chicago

Secretary of the Board of Editors

ELEANOR H. FINCH

* Honorary.

The object of the American Society of International Law is to foster the study of international law and to promote the establishment and maintenance of international relations on the basis of law and justice. For this purpose it coöperates with similar societies in this and other countries.

The views expressed in the articles, editorial comments, book reviews and notes, and other contributions which appear in the JOURNAL are those of the individual authors and are not to be taken as representing the views of the Board of Editors or of the American Society of International Law.

The JOURNAL is supplied to all members of the American Society of International Law without extra charge (except as indicated below). The annual subscription to non-members of the Society is five dollars per annum. Annual members and subscribers residing in foreign countries outside the domestic postal area pay one dollar extra per annum for foreign postage; Canada fifty cents extra. Single copies of the JOURNAL will be supplied at $1.50 per copy.

Applications for membership in the Society or correspondence with reference to the JOURNAL, and books for review should be sent to the Executive Secretary, 700 Jackson Place, N.W., Washington 6, D. C.

AMERICAN JOURNAL OF INTERNATIONAL LAW

VOL. 43 **CONTENTS** 1949

[No. 1, January, 1949, pp. 1–222; No. 2, April, 1949, pp. 223–410; No. 3, July, 1949, pp. 411–632; No. 4, October, 1949, pp. 633–852]

PAGE

THE TWENTY-SEVENTH YEAR OF THE WORLD COURT. *Manley O. Hudson* 1

SOVIET CONCEPTS OF THE STATE, INTERNATIONAL LAW, AND SOVEREIGNTY. *Mintauts Chakste* 21

CONSULAR IMMUNITIES: THE KASENKINA CASE (U. S.–U.S.S.R.) *Lawrence Preuss* 37

THE STATUS OF HYDERABAD DURING AND AFTER BRITISH RULE IN INDIA. *Taraknath Das* 57

THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION AND THE MOVEMENT AGAINST INTERNATIONAL PROPAGANDA. *John B. Whitton* 73

THE NUREMBERG TRIAL AGAINST THE MAJOR WAR CRIMINALS AND INTERNATIONAL LAW. *Hans Ehard* 223

THE RÔLE OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS IN THE ADMISSION OF MEMBERS. *Marie Stuart Klooz* 246

POSTWAR COMMERCIAL TREATIES OF THE UNITED STATES. *Robert E. Wilson* 262

THE ST. LAWRENCE WATERWAY AND POWER PROJECT. *Edwin Borchard* 411

ON THE CONCEPT OF INTERNATIONAL LAW. *Alfred von Verdross* 435

RECOVERY OF JAPANESE NATIONALITY AS CAUSE FOR EXPATRIATION IN AMERICAN LAW. *Thomas L. Blakemore, Jr.* 441

THE NORTH ATLANTIC TREATY IN THE UNITED STATES SENATE. *Richard H. Heindel, Thorsten V. Kalijarvi, Francis O. Wilcox* 633

REGIONALISM AND POLITICAL PACTS. *E. N. van Kleffens* 666

PRINCIPLES AND PRACTICES OF RECOGNITION BY INTERNATIONAL ORGANIZATIONS. *Hans Aufricht* 679

NOTES ON LEGAL QUESTIONS CONCERNING THE UNITED NATIONS. *Yuen-li Liang:*

The So-Called "Double Veto" 134

Admission of Indian States to the United Nations 144

Conditions of Admission of a State to Membership in the United Nations 288

Consideration of the Problem of Voting in the Security Council by the *Ad Hoc* Political Committee of the General Assembly (1948) 303

Reparation for Injuries Suffered in the Service of the United Nations 460

The Question of the Establishment of an International Criminal Jurisdiction 478

General Assembly Resolutions on the Problem of Voting in the Security Council and on Pacific Settlement of Disputes 705

Trust Territories and Customs and Administrative Unions 716

EDITORIAL COMMENT:

Appellate Jurisdiction in International Law Cases. *George A. Finch* 88

The Rights of the United States in Berlin. *Philip C. Jessup* 92

PAGE

Responsibility for Injuries to United Nations Officials. *Quincy Wright* 95
The Danube Régime and the Belgrade Conference. *Josef L. Kunz* 104
Recognition of States: Some Reflections on Doctrine and Practice. *Herbert W. Briggs* 113
The Atlantic Pact. *Charles G. Fenwick* 312
The United Nations Declaration of Human Rights. *Josef L. Kunz* 316
Legal Bases and Character of Military Occupation in Germany and Japan. *Pitman B. Potter* 323
Preparation for the International Law Commission. *Clyde Eagleton* 325
Application of the Treaty of Rio de Janeiro to the Controversy between Costa Rica and Nicaragua. *Charles G. Fenwick* 329
United States Foreign Policy. *Edwin Borchard* 333
Charles Evans Hughes—An Appreciation. *Charles Cheney Hyde* 335
The Eisler Extradition Case. *George A. Finch* 487
The Corfu Channel Case. *Quincy Wright* 491
The New Fundamental Law for the Western German Federal Republic. *Malbone W. Graham* 494
The Genocide Convention and State Rights. *Arthur K. Kuhn* 498
The Statute of the Council of Europe. *Pitman B. Potter* 501
The Present Status of Foreign Periodical Literature of International Law. *Josef L. Kunz* 503
The Jural Personality of the United Nations. *Quincy Wright* 509
The Genocide Convention. *George A. Finch* 732
The United Nations Convention on Genocide. *Josef L. Kunz* 738
International Law and Guilt by Association. *Quincy Wright* 746
The United Nations, 1945–1949. *Pitman B. Potter* 756
First Session of the International Law Commission. *Clyde Eagleton* 758
Rebus sic Stantibus before the Security Council: The Anglo-Egyptian Question. *Herbert W. Briggs* 762
The Inter-American Peace Committee. *Charles G. Fenwick* 770
The Competence of the Council of the Organization of American States. *Charles G. Fenwick* 772

CURRENT NOTES:

Operation of the Legal Adviser's Office. *Ernest A. Gross* 122
Second International Conference of the Legal Profession. *Amos J. Peaslee* 127
Sixth Inter-American Bar Conference. *William Roy Vallance* 130
Proposed Conference to Study Laws of War and Neutrality 132
German Office for Peace Questions 132
Food and Agriculture International Law Journal 133
Annual Meeting of the Society 133
New Officers of the World Court. *Manley O. Hudson* 339
Public International Law in France since the War. *John B. Whitton* 340
The Work of UNESCO on Copyright. *Arthur K. Kuhn* 343
Midwest Regional Meeting of American Society of International Law 344

PAGE

Revue Hellénique de Droit International. *Josef L. Kunz* 345
Hundredth Birthday of Josef Kohler. *H. Kelsen* 346
20th Year of Academy of International Law at The Hague 347
New Publications of the Pan American Union 348
Annual Meeting of the Society. *Eleanor H. Finch* 517
Proposed Amendments to the Society's Constitution. *Edward Dumbauld* 522
The Venezuela-British Guiana Boundary Dispute. *Otto Schoenrich* 523
Saudi Arabian Offshore Legislation. *Richard Young* 530
André Prudhomme. *Frederic R. Coudert* 532
World Federation of International Juridical Institutions. *V. V. Pella* 534
Hungarian Jurisprudence Relating to the Application of International Law by National Courts. *István Arató* 536
A Propos of a "Reno Divorce" and Its Validity in France. *Sophie Grinberg-Vinaver* 542
The Dakin Index to the Proceedings of the Brussels Conference of 1874. *Willard B. Cowles* 546
Howard S. LeRoy 776
Proposed Amendment to the Constitution of the Society, *Edward Dumbauld* 776
Art. 2, Par. 7, of the United Nations Charter as Compared with Art. 15, Par. 8, of the League of Nations Covenant. *Joseph Nisot* 776
Draft International Covenant on Human Rights Revised at Fifth Session of United Nations Commission on Human Rights. *James Simsarian* 779
The 1948 Report of the International Institute for the Unification of Private Law. *Hans Aufricht* 786
Further Claims to Areas Beneath the High Seas. *Richard Young* 790
Revue Égyptienne de Droit International. *Josef L. Kunz* 792

CHRONICLE OF INTERNATIONAL EVENTS. *Dorothy E. Dart* 155, 349, 548, 793
JUDICIAL DECISIONS INVOLVING QUESTIONS OF INTERNATIONAL LAW. *William W. Bishop, Jr.* 170, 370, 558, 803
BOOK REVIEWS AND NOTES 197, 387, 603, 827
BOOKS RECEIVED 217, 405, 625, 846
PERIODICAL LITERATURE OF INTERNATIONAL LAW 219, 408, 629, 849
INDEX 853
SUPPLEMENT SECTION OF DOCUMENTS. (Separately paged and indexed.)